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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,242	10/31/2003	Kaoru Kijima	244666US6X	9916

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EXAMINER

AGWUMEZIE, CHARLES C

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/697,242	KIJIMA ET AL.	
	Examiner	Art Unit	
	Charlie C. Agwumezie	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-32, are rejected under 35 U.S.C. 102(e) as being anticipated by

Hurtado et al U.S. Patent Application Publication No. 2003/0105718 A1.

As per **claims 1, 20 and 26**, Hurtado et al discloses an information service method, comprising the steps of:

recording identification information that is unique to a non-recordable data recording medium thereto (fig. 12; 0752);

correlatively storing the identification information recorded on the data recording medium at the identification information recording step and management information of the data recording medium (fig. 12; 0239; 0251; 0314; 0730);

reading the identification information from the data recording medium when data is reproduced from the data recording medium (fig. 12; 0239; 0251; 0314);

transmitting the identification information that has been read at the identification information reading step to a communication network (1031);

receiving the identification information transmitted at the transmitting step through the communication network and reading the management information that has been correlated with the identification information and stored at the storing step in accordance with the received identification information (1031); and

providing a service in accordance with the management information that has been read at the management information reading step (0865).

As per **claims 2, 11, 21 and 27**, Hurtado et al further discloses the information service method, wherein the data recording medium is an optical disc of which a reproduction signal is obtained in accordance with reflected light of radiated light (fig. 12).

As per **claims 3, 12, 22 and 28**, Hurtado et al further discloses the information service method, wherein the management information contains use limit information that represents a license of a user for content data recorded on the data recording medium (0156; 0010; 0719; 0730).

As per **claims 4, 13, 23, and 29**, Hurtado et al further discloses the information service method, wherein the use limit information contains at least one of the number of times the content data recorded on the data recording medium can be reproduced, the reproduction expiration date and time, and the number of times the content data recorded on the data recording medium can be copied (0156; 0010; 0719; 0730).

As per **claim 5**, Hurtado et al further discloses the information service method, further comprising:

setting the use limit information when the data recording medium is obtained (0156),

wherein the management information that is correlated with the identification information and stored at the storing step is set in accordance with the use limit information that has been set at the use limit information setting step (0156; 0010; 0719; 0730).

As per **claim 6**, Hurtado et al further discloses the information service method, wherein when the data recording medium is used, the identification information is read from the data recording medium and the management information is rewritten in accordance with the identification information that has been read and a use mode (fig. 12).

As per **claim 7**, Hurtado et al further discloses the information service method, further comprising the step of:

issuing key data that allows the content data recorded on the data recording medium to be reproduced in accordance with the management information that has been read at the management information reading step (0018; 0157).

As per claim 8, hurtado et al further discloses the information service method, wherein the key data issued at the key issuing step is transmitted to a reproducing side that reproduces data from the data recording medium through the communication network (0018; 0157).

As per claims 9, 18, 25, and 31, Hurtado et al further discloses the information service method, wherein license information for content data recorded on the data recording medium is added to the key data issued at the key issuing step in accordance with the management information and transmitted through the communication network (0010; 0156; 0157).

As per claim 10, Hurtado et al discloses an information service system, comprising:

- an identification information recording unit for recording identification information that is unique to a non-recordable data recording medium thereto (fig. 12; 0752);

- an information terminal unit having:

- reproducing means for reproducing data from the data recording medium, and
 - identification information reading means for reading the identification information from a reproduction output of the reproducing means (fig. 16; 0010; 0156; 0158); and

- a server unit having:

- storing means for correlatively storing the identification information and management information of the data recording medium (fig. 12; 0752), and

wherein the server unit is configured to read the management information stored by the storing means in accordance with the identification information transmitted from the information terminal unit and to provide a service in accordance with the management information to the information terminal unit (0176; 0771; 0773; 0812).

As per **claim 14**, Hurtado et al further discloses the information service system, further comprising:

an identification information reading unit for reading the identification information recorded on the data recording medium and transmitting the identification information to the server unit when the data recording medium is obtained (fig. 12; 0752).

As per **claim 15**, Hurtado et al further discloses the information service system, wherein the identification information reading unit is configured to set user's license for the data recording medium and transmit the license to the server unit along with the identification information (fig. 12; 0752; 0010; 0156; 0157).

As per **claim 16**, Hurtado et al further discloses the information service system, wherein when data is reproduced from the data recording medium, the identification information that has been read from the data recording medium and information that represents a use mode of the data recording medium are transmitted from the information terminal unit to the server unit (see fig. 12; 0752; 1031), and

wherein the server unit is configured to rewrite the management information in accordance with the identification information and the information that represents the uses state that have been transmitted (1031).

As per **claim 17**, Hurtado et al further discloses the information service system, wherein when data is reproduced from the data recording medium by the reproducing means, the information terminal unit is configured to transmit the identification information that has been read by the identification information reading means to the server unit (fig. 12, 0752; 1031), and

wherein the server unit is configured to issue key data that allows content data recorded on the data recording medium to be reproduced in accordance with the management information that has been read from the storing means in accordance with the identification information that has been transmitted and transmit the key data to the information terminal unit (0018; 0157).

As per **claims 19 and 32**, Hurtado et al further discloses the information service system, wherein the information terminal unit is configured to store a part of the management information (fig. 15).

As per **claims 24 and 30**, Hurtado et al further discloses the reproducing or recording controlling method,

wherein the server unit is configured to transmit key data that has been issued by the server unit in accordance with the management information correlated with the identification information, the key data being configured to control whether to reproduce content data recorded on the data recording medium or to record the content data recorded on the data recording medium to another recording medium (0018; 0157; 0158; "...number of secondary copies...").

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The reference cited to Hayes et al U.S. Patent Application Publication No. 2003/0200216 A1 is a document considered relevant to the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles C. Agwumezie whose number is **(571) 272-6838**. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on **(571) 272 – 6712**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

Or faxed to:

(571) 273-8300. [Official communications; including After Final communications labeled "Box AF"].

(571) 273-8300. [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"].

Hand delivered responses should be brought to the United States Patent and Trademark Office Customer Service Window:

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401 Dulany Street

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**Charlie Lion Agwumezie
Patent Examiner
Art Unit 3621
August 15, 2006**

**JAMES A. REAGAN
PRIMARY EXAMINER**

